

★ APR 22 2011 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANDREW COTE,

BROOKLYN OFFICE

Plaintiff,

— against —

MEMORANDUM & ORDER

10-CV-3396 (SLT) (VVP)

METROPOLITAN TRANSPORTATION
AUTHORITY, et al.,

Defendants.

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TOWNES, United States District Judge:

Plaintiff Andrew Cote, proceeding pro se, brings this diversity action against Defendants Metropolitan Transportation Authority ("MTA") and John Doe, stemming from an alleged collision between Plaintiff's car and an MTA bus. Plaintiff filed his complaint on July 26, 2010, but has failed to take any further action in this case.

On July 28, 2010, Magistrate Judge Viktor V. Pohorelsky directed Plaintiff to serve the summons and complaint by November 23, 2010, and warned that failure to do so would result in a recommendation that the case be dismissed. On February 14, 2011, observing the absence of activity on the docket, Judge Pohorelsky issued an order directing Plaintiff to file a status report, which he also failed to do. Noting that Plaintiff appeared to have abandoned the action, Judge Pohorelsky issued a report and recommendation ("R&R"), dated March 18, 2011, advising that the case be dismissed without prejudice for want of prosecution. No objections have been filed. Having reviewed the record, the Court ADOPTS the R&R (Docket No. 4) for the reasons set forth therein and DISMISSES the complaint. The Clerk of Court is directed to close the case.

SO ORDERED.

Dated: April 20, 2011
Brooklyn, New York

SANDRA L. TOWNES
United States District Judge